IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 28998 of 1997

Dated 24th January, 2007

Between

Kokatam Kesava Reddy

...Petitioner

and

The District Collector, Cuddapah District, Cuddapah and ors

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 28998 of 1997

ORDER:

In this Writ Petition, the petitioner has questioned the action of the respondents in taking steps to evict him from the land admeasuring Ac.5..12 cents covered by Sy.No. 351/1 of Papireddypalli village, Brahmamgarimattam, Cuddapah District as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is a landless poor person, and the then Tahasildar of Badwel taluq had assigned an extent of Ac.5.12 cents of dry land covered by Sy.No.351/1 of Papireddypalli village on 09-04-1989 to him by issuing

D.K.T.Patta. It is further stated that with regard to the said land, Pattadar Pass Book was also issued in favour of the petitioner and his name was entered as pattadar in village accounts. It is the grievance of the petitioner that though he has not violated any of the conditions of the DKT Patta, but however, at the instance of the second respondent, the third respondent is taking steps to evict him from the said land and the said action is politically motivated.

At the stage of admission, this Court granted interim order on 04-11-1997 directing the respondents not to dispossess the petitioner from the said land and the said order continued all along.

Though the Writ Petition is of the year 1997, no counter affidavit is filed so far.

As much as a copy of the DKT patta is filed in the material papers annexed to the Writ Petition, by which, an extent of Ac.5.12 cents covered by Sy.No.351/1 of Papireddypalli village was assigned to the petitioner and, further the petitioner is in possession of the said land without violating the conditions of patta, I dispose of the Writ Petition directing the respondents not to dispossess the petitioner from the land in question otherwise than by due process of law. However, it is made that if the petitioner violates the conditions of the patta, this order will not preclude the respondents to take steps in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

_

JUSTICE R. SUBHASH REDDY

DATE: 24-01-2007.
Msnr.